



# County of Yolo

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## BOARD OF SUPERVISORS

June 23, 1998

CALFED Bay-Delta Program  
Attn: Rick Breitenbach  
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Second District - Freddie Oakley  
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Fourth District - Dave Rosenberg  
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County Administrator - Roy Pederson  
Clerk of the Board - Paula Cooper

Subject: Comments on the Draft Programmatic Environmental Impact Statement /  
Environmental Impact Report (EIS/EIR) for the CalFed Bay-Delta Program.

Dear Mr. Breitenbach:

The Sacramento River forms the eastern border of Yolo County, and a significant portion of our jurisdiction lies within the legal boundaries of the Delta. As such, the Board of Supervisors is deeply committed to the well-being of the Bay-Delta region and its tributaries. In concept, the County supports the goals of the CalFed program to improve ecosystem health, secure water supplies, provide water quality, and protect Delta facilities. However, we cannot support the Bay-Delta Plan in its present form. The following comments detail our concerns.

## AGRICULTURE

*"To the extent practicable, maintain the productivity and flexibility of California's agricultural resources (EIS/EIR, p. 8.1-30)."*

In a number of sections throughout the EIS/EIR, CalFed repeatedly assumes that the thousands of acre-feet needed to provide environmental benefits and additional water for Southern California will primarily come from agriculture. Water transfers are expected to cause land fallowing and permanent conversion of agricultural land to other uses (EIS/EIR, p. 8.1-28). The increased cost of water (e.g., mandated efficiency measures, shifts from surface water to groundwater pumping, and new fees) may also result in reductions in agricultural production (EIS/EIR, p. 8.1-27). The radical downsizing of agriculture in the Delta appears particularly convenient, given the enormous demand anticipated by CalFed for new habitat land in this region. Certainly, acquisition costs will be greatly reduced if the land is no longer agriculturally productive due to a lack of water.

According to the EIS/EIR, between 26,000 and 34,000 acres of farmland in the Sacramento Valley could be affected by the Bay-Delta Program. Another 132,000 to 200,000 acres will be impacted in the Delta. The vast majority of this area will be prime farmland (EIS/EIR, p. 5-7). Up to 82,000 acres may be needed for storage and conveyance facilities. An additional 355,000 to 380,000 acres of farmland in the Delta and Sacramento Valley will be cooperatively managed for the benefit of wildlife (EIS/EIR, p. 5-8). Thousands of acres will be temporarily disturbed as a result of construction projects (EIS/EIR, p. 5-7).

**CALFED Bay-Delta Program**  
**June 23, 1998**  
**Page 2**

As stated earlier, CALFED has included programs to "cooperatively manage" between 355,000 and 380,000 acres of agricultural land to enhance wildlife benefits. Proposed management practices include the following:

- Increase the area of flooded corn fields and pastures in the Delta to provide high-quality foraging habitat for migrating waterfowl and associated wildlife. Create permanent or semipermanent ponds on farms in the Delta to provide nesting habitat for waterfowl and associated benefits for other species such as the red-legged frog, tiger salamander, giant garter snake, and western pond turtle (Ecosystem Restoration Program Plan, p. 55-56). Manage habitats occupied by red-legged frogs to avoid or minimize detrimental agricultural practices such as disking, mowing, burning, and application of herbicides and pesticides (Ecosystem Restoration Program Plan, p. 70).
- Increase the acreage farmed for crops that provide suitable nesting habitat and forage to support waterfowl and other ground-nesting species in the Delta. Defer fall tillage on corn fields in the Delta to increase the forage for wintering waterfowl, wintering sandhill cranes, and associated wildlife. Reimburse farmers for leaving a portion of their corn and wheat crops in each field unharvested as forage for waterfowl, sandhill cranes, and other wildlife on 8,000 acres in the Delta (Ecosystem Restoration Program Plan, p. 55).
- Reduce the discharge of herbicides, pesticides, fumigants, and other agents toxic to fish and wildlife in the Delta by changing land management practices and chemical uses on 50,000 acres of lands that drain untreated into Delta channels and sloughs (Ecosystem Restoration Program Plan, p. 62). Provide financial assistance for water management practices and cropping patterns to reduce agricultural drainage discharges from Delta islands. Reduce pathogen loads entering the Delta by controlling discharges from confined animal facilities or rangelands (Water Quality Program, pp. 23-24). Reduce the use of herbicides, insecticides, and other toxic substances that inadvertently drift from nearby agricultural land into habitat areas occupied by the Valley Elderberry Longhorn Beetle (Ecosystem Restoration Program Plan, p. 75).

The EIS/EIR concludes that these management practices will not have a significant impact on agriculture (EIS/EIR, p. 5-8). The County strongly disagrees with this assessment. Although these lands will not be permanently converted to nonagricultural uses, the proposed management practices will result in reduced crop yields, which will decrease economic multiplier effects for the local economy. Furthermore, the EIS/EIR does not include any "safe harbor" or equivalent provisions to protect farmers from the impacts of establishing habitat for migratory waterfowl and/or listed species on their property. By accommodating rare and endangered species, farmers will be subject to increasingly restrictive regulations that may result in the prohibition of significant agricultural activity.

Yolo County supports efforts to integrate agriculture with wildlife habitat, and has many fine examples of programs that have successfully satisfied both. However, the County does not support the scale and intensity of the programs being proposed by CalFed.

As evidenced by the above discussions, CalFed exhibits a profound antipathy toward agriculture that Yolo County finds deeply disturbing. The EIS/EIR cites concerns that the Water Use Efficiency Program does not include strong provisions to mandate agricultural land conversion as a means of delaying the need for new storage facilities (Phase II Interim Report, p. 56). Moreover, the EIS/EIR

CALFED Bay-Delta Program  
June 23, 1998  
Page 3

notes that a significant amount of fallowing has occurred in the past without any mitigation for socioeconomic impacts and wonders whether mitigation would be required for fallowing that did not exceed historic fallowing levels (Water Use Efficiency Program, p. B-8). Such an attempt to avoid responsibility for the adverse impacts to farming intended by CalFed is deplorable. The Bay-Delta Plan will cause widespread damage to agricultural communities in the Delta and Sacramento Valley that must be honestly acknowledged and fully mitigated.

## REGIONAL ECONOMY

*"The impact on the fiscal integrity of the districts and on the economy of small agricultural communities cannot be ignored (EIS/EIR, Phase II Interim Report, p. 60)."*

The EIS/EIR concludes that the widespread conversion of agricultural land would have a substantial adverse impact on farm income, employment levels, and public finances in the Delta and Sacramento Valley regions (EIS/EIR, p. 8.1-36). The value of crops taken out of production in the Delta Region is estimated by the EIS/EIR to range between \$58 and \$184 million annually, with nearly 9,000 jobs lost (3.6% of regional employment). Estimated crop loss in the Sacramento Valley is between \$13 and \$34 million per year, with 650 to 3,300 jobs lost (EIS/EIR, pp. 8.6-12, 8.6-13)..

In particular, the EIS/EIR determines that farm worker job loss would represent a significant unavoidable impact of the CalFed Program. The most significant impact would be the concentrated loss of jobs for farm workers who have limited skills (EIS/EIR, p. 44). Per capita income for displaced farmers and families may also decline. Farm managers may be required to travel farther to their place of employment or move to other areas to gain employment. Displaced farm managers and technicians may find work in other regions or other jobs related to agriculture (EIS/EIR, p. 41).

The EIS/EIR fails to point out that the local agricultural service industry provides goods to areas outside of Yolo County and will be adversely affected by the regional economic disruption proposed by CalFed. In addition, the Sacramento Valley currently suffers from unemployment rates as high as 12.5% in Yuba and Sutter Counties. The CalFed plan will lay off thousands more low-skilled agricultural workers into an economy that cannot provide sufficient jobs for them at present. Furthermore, counties have been given the challenging responsibility for moving people from welfare into the workforce. The layoffs and loss of farm income projected in the EIS/EIR will greatly increase the demand for local work programs, thus straining our already limited financial resources.

The EIS/EIR proposes several strategies to reduce the economic consequences created by the CALFED Program, including the following (EIS/EIR, p. 8.1-39). Our comments on each strategy are shown in italics:

- Continue the flow of property tax revenues to the local counties;

*As was pointed out in the EIS/EIR, the current flow of property tax to the counties has been adversely affected by ERAF funding. In addition, the CALFED participating agencies do not have an effective role in the formulation of either the federal or State budget. Although this measure is critical to offset the significant losses that will be incurred by local agencies because of the Bay-Delta Program, there is no certainty that it will be implemented. Finally, revenue effects should not only include direct agricultural impacts, but indirect impacts*

**CALFED Bay-Delta Program**

June 23, 1998

Page 4

*created by losses associated with the agricultural service industry.*

- Provide opportunities and other economic incentives for alternative industries to develop (e.g., recreation, which the EIS/EIR projects will add \$28 to \$80 million per year in new revenues to the Delta and from \$3 to \$28 million in revenues to the Sacramento Valley);

*Northern California already suffers unemployment rates well above the state average, which only be exacerbated by the layoffs and reductions in farm income envisioned in the CalFed plan. Economic redevelopment of the Delta and Sacramento Valley regions will be difficult, especially when many local agencies will all be bidding for new industries simultaneously and competing with military bases that are still in the process of conversion.*

- Pay fair market value for any crops destroyed or taken out of production on private or leased lands as a result of project construction;

*Acquisition should also include payment for future lost income. Existing farmland has a potential to generate revenue year after year, which will be lost once it is converted to habitat. The economic impacts of agricultural conversion will not be a one-time event, but will continue beyond the life of the CALFED Program and acquisition costs should reflect this long-term loss of farm income.*

- Create tax incentives for long-term agricultural zoning;

*The state has already implemented the Williamson Act, as well as recent programs to encourage the establishment of long-term agricultural conservation easements. In addition, Proposition 13 has resulted in significant tax breaks for many farmers, who often hold onto their land for decades. Additional tax incentives will not provide significant new protection for remaining land, nor will it mitigate the losses projected under this Program.*

- Adopt a variety of social assistance programs, including: (1) Compensate local governments for increased demand for services resulting from labor displacement; (2) Compensate workers displaced by specific transfers through such actions as augmenting unemployment insurance benefits; (3) Provide training and educational opportunities for unemployed individuals to reenter the workforce, job referral and placement services, and job training; and (4) Implement cost-sharing and other financial assistance to reduce the social/employment impacts potentially resulting from the cost of the Water Use Efficiency and Water Quality programs;

*Although laudable, welfare programs are not an adequate replacement for the social stability and financial benefits of a vibrant and established agricultural economy. Moreover, the significant economic impacts created by the CalFed program will significantly impede our existing efforts to help people leave welfare and reenter the workforce.*

The EIS/EIR states that the substantial conversion of agricultural land in the Delta Region could shift some production to desert areas in southern California, such as the Imperial Valley (EIS/EIR, p. 8.1-38). It also concludes that there may be an increase in agricultural acreage and economic growth

**CALFED Bay-Delta Program**

June 23, 1998

Page 5

land in the San Joaquin Valley as a result of CALFED programs (EIS/EIR, p. 10-3). Increased water deliveries will have the potential to enhance growth, particularly in urban areas of Southern California. On the other hand, future growth in the Delta and Sacramento Valley is expected to be inhibited by the conversion of farmland and increases in the cost of agricultural production (EIS/EIR, p. 10-2).

The EIS/EIR states that overall economic impacts within the Sacramento Valley will not be significant, since expected losses represent 1% of total revenues (EIS/EIR, pp. 8.6-13, 8.6-14). This does not take into account the fact that the Sacramento metropolitan region represents a disproportionately large share of the regional economy. In Yolo County, on the other hand, approximately 7.5% of the labor force depends upon agriculture. Farm production and associated activities account for about 19% of total gross revenues. A UC-Davis study of the effects of the 1991 water banking program estimated that the transfer of 151,000 acre-feet from Yolo County reduced farm income 5% and increased agricultural unemployment 4.7%. Rural areas in the Sacramento Valley that are still dependent upon agriculture, such as Yolo County, will suffer a substantial economic impact as a result of CALFED policies.

Based on the above analysis, the Bay-Delta Program will have profound and potentially dire consequences for the future quality of life in Yolo County. The CALFED Program appears to be a vast transfer of wealth from Northern California to Southern California, which will be largely paid for by those who will be least able to afford it. The programs analyzed in the EIS/EIR should be extensively revised to eliminate the widespread inequities that are being proposed.

**FEES AND COSTS**

*"Solutions will be implementable and maintainable within the foreseeable resources of the Program and stakeholders (EIS/EIR, Executive Summary, p. 5)."*

According to the EIS/EIR, a wide array of new fees could be levied to fund implementation of the Bay-Delta Plan, including:

- A fee on water diversions that encompasses the entire Bay-Delta System watershed. Such a fee would cover not only contractors but also those who have an obligation to participate financially in the Program for other reasons (Implementation Strategy, p. 26);
- A fee paid by local property owners and water users to partially fund levee restoration and maintenance (Implementation Strategy, p. 29);
- A fee paid to fund the Water Quality Program (Implementation Strategy, p. 30);
- A fee on water transfers to cover the operation and administration costs of a central water information clearinghouse (Water Use Efficiency Program, p. 7-18);
- A new broad-based user fee (Phase II Interim Report, p. 153); and
- Fees collected from violators could be directly deposited in a fund to be used by the State Water Resources Control Board for employing staff to perform investigations requested by

CAIFED Bay-Delta Program  
June 23, 1998  
Page 6

the Urban Council (Water Use Efficiency Program, p. 2-18).

In addition, new costs could be incurred. In 1996, Proposition 204 was approved, which provided approximately \$1 billion to begin carrying out the Bay-Delta Plan. The Governor has proposed new state General Obligation Bonds in the amount of \$1.3 billion to fund a mix of CalFed actions, which would need to be approved by the Legislature and State voters during 1998 (Phase II Interim Report, pp. 152-153).

Residential customer costs to achieve water efficiency target goals are estimated to range from \$300 to \$600 per acre-foot annually. Since the average household uses approximately one acre-foot annually, customer bills may increase \$25 to \$50 per month per household. Necessary improvements for Sacramento area domestic water suppliers would add another \$3.70 per person annually to the above costs (Water Use Efficiency Program, p. 5-3).

All agricultural water users within the CalFed solution area will be required to achieve an 85 percent level of efficiency and irrigation system distribution uniformity will increase to between 80 and 90 percent (Water Use Efficiency Program, pp. 4-2, 4-3). Statewide farm irrigation efficiency currently averages 73 percent (Water Use Efficiency Program, p. 4-8). Both on-farm and district spending are necessary to obtain the anticipated levels of improvement. Generally, the cost to reduce applied water per farmer in the Sacramento River Region is estimated to range from \$40 to \$60 per acre-foot annually. Water supplier improvement costs in this region can add \$5 to \$8 per irrigated acre per year to the cost of improved efficiency (EIS/EIR, p. 8.1-37).

CalFed refers to the principle of rational cost allocation, which means that agencies can charge each user at least as much as the cost of inclusion and no more than the cost of going it alone (Implementation Strategy, p. 21). Yolo County strongly disagrees with this punitive approach and strongly urges that charges be proportional to actual costs. After all, the EIS/EIR estimates annual spending for levee protection, water quality, ecosystem restoration, and water use efficiency will range from \$130 to \$165 million annually. Additional costs will be required for water transfers, watershed management, and water supply and conveyance (Phase II Interim Report, pp. 47-63). Given the range and cost of these proposals, the County does not feel that the Bay-Delta Program is affordable for local stakeholders. This especially applies to agriculture, which is expected to pay a variety of expensive fees to fund program administration. An equitable price structure is critical to ensuring that the burdens are fairly shared by all.

## WATER QUANTITY

*"Qualitatively, it can be seen that these flow targets must be met through additional releases from storage and that without additional storage, the targets will be met less frequently than with additional storage (EIS/EIR, p. 6.1-69)."*

To begin with, the EIS/EIR estimates that the total applied water reduction for the Sacramento River area under the Bay-Delta Plan would be 520,000 to 780,000 acre-feet annually (Water Use Efficiency Program, p. 4-44). It should be noted that the Sacramento River (including the Yolo Bypass) contributes about 77 to 85% of all freshwater flows to the Delta (EIS/EIR, p. 6.1-16). The estimated total applied water reduction for the Delta area would be 100,000 to 150,000 acre-feet per year (Water Use Efficiency Program, p. 4-44). On average, about 10% of the Delta inflow is withdrawn

**CALFED Bay-Delta Program****June 23, 1998****Page 7**

for local use, 30% is withdrawn for export by the CVP and SWP, 20% is needed for salinity control, and the remaining 40% is Delta surplus, the outflow in excess of minimum identified requirements (EIS/EIR, p. 6.1-16). The EIS/EIR assumes that at least 600,000 acre-feet per year of transfer water could be exported from the Delta during critically dry years, regardless of the alternative chosen (Phase II Interim Report, p. 107). This is reflected in FIS/FIR estimates which project that urban use will increase from 11 to 15% of all water in California during average water years, over the next 25-years, while agricultural use decreases from 43 to 39%. CALFED assumes that this change will primarily result from anticipated declines in the amount of irrigated acreage (EIS/EIR, p. 6.1-21).

CALFED also assumes that since residential use dominates urban water demand, conservation programs will focus on homes. Water audits, ultra-low flow toilets, low-flow showerheads, self-closing faucets, horizontal axis clothes washers, landscape audits, improved landscape irrigation systems, and xeriscaping would be implemented to achieve the levels of conservation anticipated under the CalFed alternatives (Water Use Efficiency Program, p. 5-51). The EIS/EIR states that voluntary water use efficiency measures are virtually impossible to ensure (Implementation Strategy, p. 5), so we must assume that these measures will be regulatory in nature. Regardless, the Bay-Delta Plan assumes that residential use in the Sacramento Valley will decrease 25% between now and 2020 for a total reduction of 235,000 to 255,000 acre-feet annually (Water Use Efficiency Program, p. 5-27).

The Yolo Bypass carries five-sixths of the volume of the Sacramento River at peak floodflows (EIS/EIR, p. 8.4-8), including 100% of any flows greater than 55,000 cfs, as measured at Verona (EIS/EIR, p. 6.1-123). General estimates are that levees along the Bypass currently provide about 85-year flood protection. The EIS/EIR notes that removing diversion structures and other obstructions to flow in the Sacramento River tributaries could increase flooding downstream (EIS/EIR, p. 8.4-23). On the other hand, CalFed also proposes to reduce the impediment to flows caused by the railroad causeway paralleling Interstate 80 and to remove levees along the lower Sacramento Ship Channel, which will possibly increase the flood bearing capacity of the Yolo Bypass (Ecosystem Restoration Program Plan, p. 27). Any solution approved under the Bay-Delta Plan must ensure that the flood capacity of the Yolo Bypass is not diminished from its current volume. Moreover, proposals to improve the existing levee system and increase flood capacity within the Yolo Bypass would receive strong support from Yolo County.

According to the EIS/EIR, diverted environmental use is a very small percentage of applied water, but overall environmental water use (including instream flows) is equivalent to agriculture (Water Use Efficiency Program, p. 3-1). CalFed estimates that 46% of water during average water years in California goes to environmental purposes, compared with 43% for farmland (EIS/EIR, p. 6.1-21). CalFed states that they will propose mechanisms that assure the efficient use of water on refuges, wildlife areas, and managed wetlands (Program Alternatives, p. 18). Special attention should be paid to the significant increase in evaporative losses expected to result from wetland expansion (EIS/EIR, p. 6.1-13). Given the extensive sacrifices that agriculture is being asked to make in the Bay-Delta Plan, Yolo County believes that it is critical to ensure that habitat areas are being properly managed to make efficient use of scarce water resources.

The development of new storage facilities is imperative to provide the water required to implement the Bay-Delta Plan. **WE CANNOT POSSIBLY SUPPORT ANY CALFED PLAN THAT DOES NOT INCLUDE A STORAGE COMPONENT.** The EIS/EIR cites the potential loss of farmland associated

CAI FFD Bay-Delta Program  
June 23, 1998  
Page 8

with the construction of new storage facilities, but acknowledges that they are far less than those that will be required to carry out the Ecosystem Restoration Program Plan (Phase II Interim Report, p. 108). Similarly, the costs of developing such facilities may be expensive, but so will the economic damage wrought by CalFed on Northern California. Delta and Sacramento Valley agriculture must not be expected to shoulder the entire burden of providing water for environmental restoration, San Joaquin farmland, and Southern California development.

## WATER TRANSFERS

*"The program must implement effective measures to protect rural economies and lifestyles from unintended transfer impacts, protect groundwater resources from transfer impacts, and facilitate and encourage instream flow transfers. This may be difficult but will be essential (Phase II Interim Report, p. 59)."*

The EIS/EIR identifies several potentially significant adverse impacts associated with water transfers in the area of origin. Impacts include the following: (1) a reduction in agricultural acreage due to crop fallowing; (2) a reduction in agricultural acreage due to increased costs resulting from direct groundwater or groundwater replacement transfers; (3) changes in land use that could be inconsistent with local agricultural objectives; and (4) a reduction in habitat acreage (EIS/EIR, p. 8.1-28). Potential benefits, such as increased employment, crop revenues, and farm worker income levels, would occur in regions receiving the transferred water (EIS/EIR, p. 8.1-7).

The EIS/EIR proposes a number of mitigation measures to reduce third party impacts of water transfers including: limits on the number of acres that can be fallowed; a tax on transfers to compensate the local area for increased social service costs incurred by local governments; a mitigation fund for compensating losses or to pay for retraining farm workers, to be administered by local governments; and limits on the amount of water that can be transferred from a given area (Water Use Efficiency Program, p. 7-13). Yolo County supports the idea of a well-regulated water transfer market within the area of origin, involving willing sellers and buyers. We would vigorously oppose any attempts to pressure water rights holders to consent to user-initiated transfers or widespread fallowing as the primary source of water for the Bay-Delta Plan.

## WATER QUALITY

*"At the programmatic level of detail, the identified actions constitute a commitment to improving water quality. In many cases, this commitment cannot be fulfilled until additional study, evaluation, feasibility determination, and pilot scale implementations are accomplished (Water Quality Program, p. 3)."*

The EIS/EIR states that groundwater quality in southern Yolo County could be adversely affected by projected increases in groundwater extraction, as surface water becomes less available and more expensive. Groundwater containing high concentrations of boron may be drawn toward groundwater pumping centers in the area. The EIS/EIR considers this a potentially significant but mitigatable impact (EIS/EIR, p. 6.2-18). This is especially ironic, given that water quality in our area of the state would be worsened under CalFed's plan, in order to improve water quality in the Delta. Potential mitigation measures include: reducing or prohibiting groundwater pumping; treating water at the well head; diluting contaminants with higher quality water; and drilling new wells to prevent concentrated drawdown in one area (EIS/EIR, p. 6.2-29). The first mitigation measure would result in additional



CAI FFD Bay-Delta Program  
June 23, 1998  
Page 9

farmland fallowing and/or conversion, while the latter three all involve significant new costs for water users with no proposal for reimbursement. Consequently, we urge that new mitigation measures be developed, that emphasize limiting water transfers in areas susceptible to overpumping to prevent these adverse impacts to groundwater from occurring.

The EIS/EIR also concludes that proposed reductions in the numbers of domestic animals and livestock using riparian areas will reduce the direct release of animal fecal matter into streams and the discharge of runoff contaminated with fecal matter (EIS/EIR, p. 6.1-64). However, more than a hundred thousand acres in the Delta would be converted to wetlands and habitat areas under the Bay-Delta Plan which will spur the growth of waterfowl and other species in the region. As such, it appears that any reductions of fecal matter associated with restrictions on livestock may be offset by increases in animal fecal matter generated by expanding wildlife populations.

Yolo County has concerns about mercury, as it is currently discussed in the EIS/EIR. First, CalFed states that historic abandoned mercury mining operations continue to be a major source of mercury for several local watersheds. Berryessa Lake, Cache Creek, Clear Lake, Sacramento River, and Harley Gulch are all currently listed as impaired water bodies under Section 303(d) of the Clean Water Act due to mercury contamination (Water Quality Program, pp. 31-32). CalFed calls for the development of applied research programs to determine mercury sources, treatment methods, and potential impacts (Water Quality Program, pp. 51-52). Pilot scale projects would be created to decide the feasibility of employing source control methods and treatment of mine drainage at inactive and abandoned mine sites (Water Quality Program, p. 13). Although the sources of mercury are located outside of Yolo County, we are concerned about remediation efforts to reduce the levels of mercury being transported through our waterways and the continuing impacts on our economy and local wildlife.

Our second issue related to mercury concerns dredging. In years past, levees were often repaired and enhanced with materials dredged from the adjoining channel. The Ecosystem Restoration Program Plan recommends using other sources of material for levee maintenance, including sediment deposits at the Cache Creek settling basin and Yolo Bypass (Ecosystem Restoration Program Plan, p. 59). Sediment deposits at the settling basin and bypass may contain amounts of mercury that have the potential to methylate when exposed to specific conditions, such as those found in some riparian environments. Yolo County urges that testing of all such soils for mercury content be completed prior to their use in levee construction and that measures be adopted to ensure their appropriate use.

One of the CalFed operating principles is the prevention of significant redirected impacts. According to the Bay-Delta Plan, "Solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California (Executive Summary, p. 5)" The EIS/EIR states that improved conveyance to south Delta export pumps will improve water quality for these diversions but may decrease quality for in-Delta diversions (Phase II Interim Report, p. 50). This appears to be a significant negative impact being redirected from Southern California, where the export water will be received, to the Delta region. Such an impact would be directly caused by CalFed actions. Alternatives that result in improvement of exports at the expense of Delta water quality should be either eliminated or redesigned and this issue should be closely examined in the revised Draft EIS/EIR.

CALFED Bay-Delta Program  
June 23, 1998  
Page 10

## ENVIRONMENT

*"We have much work to do in refining this volume and during the refinement process we need to make certain it reflects the needs and desires of the participating agencies and our urban, agricultural, and environmental stakeholders as well as affected landowners and interested individuals (Developing a Strategic Plan for Ecosystem Restoration, p. 2)."*

A major concern of Yolo County is the consideration by CalFed of Cache Creek and the Sacramento River for eligibility as river erosion and deposition zones, or "meander belts." Meander belts would provide areas where natural erosion and sedimentation processes can occur unimpeded (within reasonable limits) to sustain a diversity of wildlife habitats. In these meander belt zones, limited agricultural production could continue, as long as it was compatible with the flooding and sediment transport that would occur. Orchard owners would be compensated for the loss of fruit and nut trees caused by natural bank erosion, or their property could be purchased for river conservation areas (Ecosystem Restoration Program Plan, p. 32).

The meander belt concept is inconsistent with the adopted goals and policies of the Cache Creek Area Plan, which emphasizes a balance between agriculture and stream processes, instead of sacrificing the former for the latter. Most of the property adjoining Cache Creek is prime agricultural land that is among the most productive soils in this region. Establishing a meander belt could result in the loss of hundreds of acres of farmland and could threaten several gravel mining operations located in off-channel areas along the creek. Vast amounts of valuable agricultural land also border the Sacramento River, as do the towns of Knights Landing and Clarksburg, and the City of West Sacramento. A meander zone along the Sacramento River would have potentially significant consequences as well.

With regards to sediment, the Bay-Delta Plan appears to be confused over whether erosion is environmentally beneficial or detrimental. On the one hand, CalFed considers river-transported sediments to be "an essential component of the physical structure and nutrient base of the Bay-Delta ecosystem and its riverain and tidal arteries (Ecosystem Restoration Program Plan, p. 42)." Elsewhere in the plan, however, sediment discharge and erosion are considered nonpoint-sources of pollution that require the adoption of new mandatory performance standards and regulations for landowners (Ecosystem Restoration Program Plan, p. 155). The County asks that CalFed clarify this issue and explain why sediments from streambank erosion are considered healthy, while sediments from agricultural drainage are considered contaminants.

A second issue which we strongly oppose is the Ecosystem Restoration Program Plan statement that the greatest needs in the Yolo Basin area are to restore natural streamflow regime and to create connectivity from Cache and Putah Creeks, and the Colusa Drain, to the Yolo Bypass (p. 318). CalFed considers these actions necessary to improve the habitat potential for salmon and steelhead in the tributaries. Although Yolo County supports expanding wildlife habitat and is working toward the restoration of our riparian corridors, we strongly disagree with the CalFed objective of encouraging anadromous species in Cache Creek. The creek has never had a direct connection to the Sacramento River and the Bay-Delta region. Historically, it ended in a vast marshland of tules that bordered the river. Only during extremely high flood events was there a direct path from the river to the creek, and it was only during these rare occurrences that salmon and steelhead found their way into the tributary. The ERPP should be revised to delete those policies that call for the

CALFED Bay-Delta Program  
June 23, 1998  
Page 11

establishment of anadromous species in Cache Creek.

Another concern is the proposal to permanently convert entire island tracts (Little Holland, Liberty, and Prospect) at the south end of the Yolo Bypass to tidal wetland/slough complexes. The Ecosystem Restoration Program Plan also calls for the construction of setback levees along Elk Slough, which runs from Clarksburg down to Sutter Island (Ecosystem Restoration Program Plan, p. 42). These proposals will result in the substantial conversion of farmland in southern Yolo County and will weaken the area's agricultural heritage.

On a more positive note, the Plan proposes to improve management of 1,000 acres of existing seasonal wetland habitat in the Yolo Bypass, and to restore an additional 2,000 acres of seasonal habitat in association with the Yolo Basin Wildlife Area. Restoration of 1,000 acres of nontidal freshwater marsh in the Yolo Bypass is also proposed (Ecosystem Restoration Program Plan, pp. 50-51). The Yolo Basin Foundation is a fine example of the many commitments to environmental restoration that are being implemented at the local level and should be considered for future CalFed funding.

Finally, it should be noted that the Cache Creek Watershed Project and the Yolo County Habitat Management Program are both described as funded projects that are closely aligned with the CalFed mission (Coordinated Watershed Management, p. A-12). Yolo County is not aware of any organization or program known as the "Cache Creek Watershed Project." If the Plan is referring to the Cache Creek Conservancy, Cache Creek Stakeholders Group, or the Cache Creek Resources Management Plan, their inclusion is a mistake and should be deleted. None of these groups have received any funding from CalFed, nor have they endorsed the Bay-Delta Plan or its objectives. Similarly, the Habitat Conservation Plan has not yet been adopted by either Yolo County or any of the cities therein and should not be referenced by CalFed.

Yolo County questions whether the Ecosystem Restoration Program Plan has gone too far in its ambitious effort to alter vast regions of the California landscape. In referring to the Plan, CalFed states, "In later years, the magnitude of the annual implementation program may be constrained by the annual availability of funding (Developing a Strategic Plan, p. 14)." The Ecosystem Restoration Program Plan is founded upon the concept of adaptive management which will require constant and extensive monitoring efforts, to ensure that actions taken are having their intended consequence and to provide strategies for alternative methods when actions fail. If long-term projections anticipate insufficient funding in future years to carry out the challenging plans under consideration, then a serious reevaluation is needed to guarantee that the visions currently being contemplated have not greatly exceeded the available resources.

## PUBLIC PARTICIPATION

*"The almost unanimous opinion expressed at BDAC Assurances Work Group meetings is that stakeholders would like to weigh in on decisions and advise agencies in a meaningful and timely manner throughout implementation (Implementation Strategy, p. 9)."*

The County has identified a variety of proposals described in the EIS/EIR for new government agencies and/or implementing regulations necessary to carry out the Bay-Delta Program. The

**CALFED Bay-Delta Program**

June 23, 1998

Page 12

regulatory environment is already bewildering for many local agencies, companies, and private citizens. Rather than streamlining the existing array of laws and bureaucracies, CalFed appears to increase the problem, as described below:

- CALFED projects that new institutional or governmental entities will be needed to: implement the Watershed Management Program (Coordinated Watershed Management, p. 7); manage the Ecosystem Restoration Program (Developing a Strategic Plan, p. 6); coordinate levee, water quality, and ecosystem restoration efforts (Phase II Interim Report, p. 46); provide a clearinghouse for information on proposed water transfers, and protect groundwater resources (Water Use Efficiency Program, p. 7-17). Options for such entities include appointing CALFED agencies to carry out individual programs; forming Joint Powers Authorities; creating Interagency Steering Committees with participation by local government and stakeholders; and establishing new agencies.
- Separate from the above entities, the Ecosystem Science Program is envisioned to be a long-term program that will provide technical and scientific information for Bay-Delta restoration activities. The ESP will rely upon three groups to fully address the complex scientific issues: a Core Team of scientists, the Standing Science Body, and the Independent Scientific Review Panel. This three-tiered ecosystem science program will provide a conduit for multiple levels of scientific input to develop, implement, and assess CalFed ecosystem restoration activities (Developing a Strategic Plan, pp. 6-10).
- Legislative and regulatory requirements would automatically be triggered if an acceptable majority of agricultural water suppliers have not prepared, adopted, received Council endorsement, and begun implementation of their agricultural water management plans by January 1, 1999 (Water Use Efficiency Program, p. 2-13).
- The prevention of significant groundwater declines may require the regulation of groundwater withdrawals. Regulation would be particularly important in upper watershed areas where the overuse of groundwater in fractured rock aquifers could require increased regulation of new and existing domestic wells and septic systems, development of alternative water supplies, monitoring and testing, and limitations on new septic tank systems. Similarly, areas where overpumping could draw contaminated or naturally poor quality groundwater into a region of high quality groundwater may require the reduction or discontinuance of existing pumping (EIS/EIR, p. 6.2-29). Some areas may experience an increased reliance on groundwater resources in response to water transfers and would require regulation to ensure that withdrawal rates remain at levels below those which cause subsidence (EIR/EIS, p. 6.3-24). Groundwater adjudication may be appropriate to determine maximum withdrawal rates (Water Use Efficiency Program, p. 7-10).
- In addition to groundwater regulation, CalFed agencies are also considering a policy to require water suppliers to measure the volume of surface water delivered to each customer (Water Use Efficiency Program, p. 2-7)

An additional concern focuses on a proposal in the Ecosystem Restoration Program Plan, which is considering the creation of two or more sets of environmental standards, depending on the intended purpose and audience. The EIS/EIR states that because the standards will have varying degrees

CALFED Bay-Delta Program  
 June 23, 1998  
 Page 13

of complexity and will be used by a range of different people (e.g., the public, management, and technical experts), there may need to be separate sets of criteria. For example, one set of standards used for the public may consist of just a few general measures of ecological health that would be easily understood by the general reader. A second set of standards may be used by the scientific community, which would be more esoteric and require a technical background to understand (Developing a Strategic Plan, p. 12). This is not only a patronizing and elitist approach, but establishes a dangerous precedent for creating underground regulations designed to discourage public involvement and prevent an accurate assessment of CalFed's effectiveness in meeting stated goals.

The EIS/EIR states that the Long-Term Levee Protection Plan would need to streamline and consolidate the planning, regulatory, and permitting processes which affect the levee system (Program Goals and Objectives, p. 9). Yolo County supports the integration of federal, state, and local permitting processes as a means to reduce unnecessary burdens for local landowners and strongly urges CalFed to expand this approach to riparian areas as well. Erosion control, flood management, and habitat restoration projects are often hampered by the complexity and occasional conflicts of the existing regulatory system and would greatly benefit from the reduced costs and construction time possible under a streamlined process. Such an approach is being successfully implemented under the Cache Creek Resources Management Plan and could be adapted for use statewide.

The myriad of proposed new institutions and regulations proposed in the Bay-Delta Program have the potential to significantly dilute local control and stakeholder participation. CALFED is solely comprised of state and federal agencies. It does not include any public members, nor are there any city or county representatives. This is a grievous deficiency in the governing structure of this Program, which has been carried forward into the formulation of the Bay-Delta Plan. Instead of a grassroots approach, the Bay-Delta Plan has chosen to pursue the creation of several new bureaucratic layers that will further remove landowners and local elected officials from the decision making process. CalFed has come under general criticism for the volume and rapidity of the environmental review process, which has made meaningful public participation extremely difficult. Instead of being an exception, it appears that the EIS/EIR process is a harbinger of things to come.

## ASSURANCES

*"The fundamental philosophy is that costs will be paid by the beneficiaries of the actions, as opposed to seeking payments from those who, over time, were responsible for causing problems being experienced in the Bay-Delta system (Implementation Strategy, p. 15)."*

In the discussion regarding assurances for the Bay-Delta Plan, the Local Economy and the Environment are treated as one issue/concern (Implementation Strategy, pp. 3-4), when they are two very different policy areas. Yolo County strongly believes that the best solutions are those that promote business growth, while protecting valuable natural resources. However, there are occasions when the two may conflict. As such, they should be treated as separate considerations in the development of assurances.

In addition, we would like to recommend the following additional guidelines for assurances: (1) Coordinate with local agencies and private organizations whose programs are consistent with

CALFED Bay-Delta Program  
June 23, 1998  
Page 14

CalFed to ensure compatibility with local plans and to reduce the cost of implementation; (2) Funding mechanisms and budgetary costs must be publicly accounted for, with full disclosure to all stakeholders; and (3) Assurances must include contingency costs to address circumstances where programs cannot be implemented or operated as envisioned. The last recommendation is particularly relevant. CalFed states that additional capital funding may be required for the Ecosystem Restoration Program Plan, beyond the amounts anticipated, once projected funding has been exhausted (Implementation Strategy, p. 24). However, funding may not even achieve expected levels. To address potential shortfalls in future funding, assurances should include an endowment to continue maintenance and operation costs of water quality monitoring, levee maintenance, and other programs after the 30-year Plan has been completed.

In its review of the EIS/EIR, the County has identified more than fifteen plans, studies, analyses, strategies, evaluations, models, and programs that are referred to in the Bay-Delta Plan, but have not yet been completed. It is extremely difficult to provide meaningful and relevant responses regarding a program that is still in the process of being drafted. The evolving and ambiguous status of the CalFed proposal makes it even more difficult to suggest recommendations for an assurances package. It is critical that these implementation plans and technical documents be completed before the release of the revised EIS/EIR, so that the public can fully participate in the environmental review process.

## ALTERNATIVES

*"Solutions will reduce major conflicts among beneficial uses of water (Executive Summary, p. 5)."*

In considering the various alternatives presented in the EIS/EIR, the County weighed the following factors:

- Alternative 2 would provide the greatest water quality benefits for the Delta region, significantly reducing salinity by 40 percent and bromide by 60 percent. Although Alternative 3 would create substantial water quality benefits for exports to Southern California, it does not reduce contaminants in the Delta as well as Alternative 2 (Phase II Interim Report, pp. 117-118).
- Alternative 2 would have a positive benefit to Delta fisheries, especially if the diversion from Hood is not included. Alternative 3 would have an unknown effect on areas (including Yolo County) located within the north Delta (Phase II Interim Report, p. 119).
- Alternatives 1A and 1B, 2A and 2D, and 3A do not include proposals for new surface water and/or groundwater storage facilities in the Sacramento Valley. Alternative 1C includes a reduced off-aqueduct storage component compared with the other alternatives (EIS/EIR, p. 8.1-29).

None of the alternatives completely satisfies the concerns we have raised. However, of the those listed, Alternative 2E is the least objectionable. This alternative would provide a total of 5.5 million acre-feet of new surface storage (including 3 million acre-feet of storage in the Sacramento Valley) and 0.75 million acre-feet of groundwater storage. No isolated conveyance facility or intake channel would be constructed, water would continue to flow from the Sacramento River to the pumps at

CALFED Bay-Delta Program  
June 23, 1998  
Page 15

Tracy through the Delta. Increased conveyance capacity would be accomplished by converting islands in the east and south Delta to habitat. This alternative will maximize water quality levels in the Delta, prevent risks to fisheries associated with the Hood diversion, will not increase reverse flows associated with south Delta pumping, and will provide the greatest opportunity for new surface and groundwater storage facilities in the Sacramento Valley.

In addition, the EIS/EIR states that an extension of the Tehama-Colusa Canal could provide multiple benefits to the Bay-Delta Program by providing conveyance to potential off-stream reservoir sites and serving water to areas currently supplied by the North Bay Aqueduct. This would allow elimination of the North Bay Aqueduct diversions in an area of sensitive habitat and provide the service area with superior water quality compared with current supplies (Phase II Interim Report). Yolo County also urges CalFed to include the Tehama-Colusa Canal extension in the solution during their future evaluation of project alternatives.

## CONCLUSION

The Bay-Delta Plan is an extraordinarily complex project that challenges us to look beyond our County's borders and evaluate our role within both the Delta and Sacramento Valley watersheds. Given the breadth of the proposal's scope, preparation of the EIS/EIR in such a short time should be regarded as a monumental achievement and your staff are to be commended for tackling these extremely controversial issues. However, we are concerned that CalFed focuses too often on the forest and fails to see the trees. The success of the Bay-Delta Plan will rely heavily on the cooperation of hundreds of agencies, business groups, nonprofit organizations, and private landowners who are familiar with the unique characteristics of each individual watershed. We do not believe that CalFed can restore the health of the Bay-Delta system, by worsening conditions within its component parts. It will undoubtedly be difficult and time-consuming to balance all of the competing concerns held by various local agencies and stakeholder groups, but despite billions of dollars in funding and volumes of new regulations, the Bay-Delta Plan will never succeed without the cooperation of everyone affected.

We welcome the opportunity to meet with CalFed staff to develop reasonable and effective strategies for achieving our mutual goal of protecting and enhancing Bay-Delta resources. If there are any questions about the issues discussed in this letter, please call David Morrison, Resource Manager, at (530) 666-8041. Thank you for the opportunity to provide these comments.

Sincerely,



Lynnel Pollock, Chairman  
Yolo County Board of Supervisors

cc: Secretary Bruce Babbitt  
Assemblywoman Helen Thomson  
Congressman John Doolittle  
Senator Dianne Feinstein  
Governor Pete Wilson

State Senator Maurice Johannessen  
Congressman Vic Fazio  
Assemblyman Tom Woods  
Senator Barbara Boxer